#407

BILL NO. Z-89-11-21

ZONING MAP ORDINANCE NO. Z-Josh

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. L-10.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

1. SECTION 1. That the area described as follows is hereby designated an M-1 (Light Industrial) District under the terms of Chapter 33 of the Code of the City of Fort Wayne, Indiana of 1974:

Lots Numbered 108, 109 and 110 in Northside Addition to the City of Fort Wayne,

and the symbols of the City of Fort Wayne Zoning Map No. L-10, as established by Section 11 of Chapter 33 of the Code of the City of Fort Wayne, Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Janet G. Bradbury
Councilmember

APPROVED AS TO FORM AND LEGALITY:

J. Timothy McCaulay
J. TIMOTHY MCCAULAY, CITY ATTORNEY

Read the first time in full and on motion by Bradbury, seconded by Adams, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, the _____, day of _____, 19____, at _____ o'clock ____ M.,E.S.T.

DATED: 11-14-89

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bradbury, seconded by Henry, and duly adopted, placed on its passage. ~~PASSED~~ LOST by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	_____	9	_____	_____
BRADBURY	_____	✓	_____	_____
BURNS	_____	✓	_____	_____
EDMONDS	_____	✓	_____	_____
GiaQUINTA	_____	✓	_____	_____
HENRY	_____	✓	_____	_____
LONG	_____	✓	_____	_____
REDD	_____	✓	_____	_____
SCHMIDT	_____	✓	_____	_____
TALARICO	_____	✓	_____	_____

DATED: 12-12-89

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING MAP) ORDINANCE RESOLUTION NO. _____ on the _____ day of _____, 19____

ATTEST: (SEAL)

_____
SANDRA E. KENNEDY, CITY CLERK

_____
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the _____ day of _____, 19___, at the hour of _____ o'clock _____ .M.,E.S.T.

_____
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this _____ day of _____, 19____, at the hour of _____ o'clock _____ M.,E.S.T.

_____
PAUL HELMKE, MAYOR

PRESCRIBED BY STATE BOARD OF ACCOUNTS

A.E. BOYER CO., MUNCIE, IND. GENERAL FORM NO. 352

RECEIPT

№ 7252

COMMUNITY DEVELOPMENT & PLANNING

FT. WAYNE, IND., 10-12 19 89

RECEIVED FROM L & L Properties $ 100.00

THE SUM OF One Hundred 00/100 DOLLARS

ON ACCOUNT OF Rezoning K-35 M-1

1314 Cass St.

30142

PAID BY: CASH ☐ CHECK ☑ M.O. ☐

AUTHORIZED SIGNATURE

PETITION FOR ZONING ORDINANCE AMENDMENT

RECEIPT NO. 7252

DATE FILED 10-12-89

THIS IS TO BE FILED IN DUPLICATE

INTENDED USE

I/We LGL Properties, a partnership by Gary L. Brown, Partner
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an R 3 District to a/an M 1 District the property described as follows:

Lots numbered 108, 109, and 110 in North Side Addition to the City of Fort Wayne

(Legal Descrption) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED: Lot 110 : 1514 Cass Street

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

(Name)	(Address)	(Signature)
Gary L. Brown	P.O. Box 8495, F.W., IN 46898	Gary L. Brown
Larry Brown	P.O. Box 8495, F.W., IN 46898	Larry Brown

(If additional space is needed, use reverse side.)

Legal Description checked by _____.
(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or requst that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinanc being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matte for hearing before the City Plan Commission. (FILING FEE $100.00)

Name and address of the preparer, attorney or agent.

(Name)	(Address & Zip Code)	(Telephone Number)
Jeff Gray	P.O. Box 8495, F.W., IN 46898	219-423-1661

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/ 427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

Legal Description of property to be rezoned.

Owners of Property

(Name)	(Address)	(Signature)
LGL Properties	P.O. Box 8495 Ft. Wayne, Indiana 46898	
Gary L. Brown		
Larry Brown		

NOTE: All checks are to be made payable to: CITY OF FORT WAYNE

This form is to be filed in duplicate.

NOTICE:

FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYNE PERMISSION TO POST "OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.

FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLIC HEARING FROM BEING HELD.

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on November 14, 1989 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-89-11-21; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on November 20, 1989.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the Commission's following "Findings of Fact".

(1) the grant will be injurious to the public health, safety, morals and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;

(3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

(4) the strict application of the terms of the zoning ordinance will not constitute an unusual and unnecessary hardship to this property;

(5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held November 27, 1989.

Certified and signed this
30th day of November 1989.

Robert Hutner
Secretary

FACT SHEET

Z-89-11-21
BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE: Zoning Ordinance Amendment From R-3 to M-1

APPROVAL DEADLINE:

REASON:

DETAILS

Specific Location and/or Address

1514 Cass Street

Reason for Project

Expansion of business - temporary storage and parking.

Discussion (Including relationship to other Council actions)

20 November 1989 - Public Hearing

Stu Weliever, attorney for petitioners LGL Properties appeared before the Commission Mr. Weliever stated that this property is a vacated independent Baptist Church and an open lot. He stated that LGL bought the property in question in February 1986. He stated that it was vacant at the time. He stated that the petitioners own approximately 90% of the block and have been located on the block since 1984. He stated that half of the block is presently zoned M-1 and another quarter is zoned M-2. He stated that they intend to use the property for temporary storage inside the church and the open lot is to be used for parking during the day. He stated that they have not received any complaints from the area residents and feel that they have a good relationship with the neighborhood. He stated that they feel the rezoning would be consistent with the zoning and use of the remainder of the block and the petitioners believe that this would promote development and would serve the general public welfare.

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	City Wide Other Areas
Applicants/ Proponents	Applicant(s) LGL Properties City Department Other
Opponents	Groups or Individuals Mr/Mrs Lewis Frisinger Basis of Opposition -expansion would add more traffic to area -expansion is not in keeping with residential character of area
Staff Recommendation	☐ For ☒ Against Reason Against -would have a negative impact on area property values & quality of life in area
Board or Commission Recommendation	By ☐ For ☒ Against ☐ No Action Taken ☐ For with revisions to conditions (See Details column for conditions)
CITY COUNCIL ACTIONS (For Council use only)	☐ Pass ☐ Other ☐ Pass (as amended) ☐ Hold ☐ Council Sub. ☐ Do not pass

DETAILS

Robert Hutner questioned if it would not be easier to request a Use Variance from the Board of Zoning Appeals.

Mr. Weliever stated they had considered that idea but it makes more sense to the petitioner to have the property rezoned in case they want to sell the property, since the variance would not be transferable.

Mr. Shoaff made a matter of record a letter of remonstrance from Mr. & Mrs. Lewis Frising, 212 W. Fourth Street.

There was no one else who wished to speak in favor of or in opposition to the proposed rezoning.

27 November 1989 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO NOT PASS recommendation.

Of the seven (7) members present, six (6) voted for the motion, one (1) did not vote.

Motion carried.

POLICY/PROGRAM IMPACT

Policy or Program Change	☐ No ☐ Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start Date 12 October 1989

Projected Completion or Occupancy Date 30 November 1989

Fact Sheet Prepared by Date 30 November 1989
Patricia Biancaniello

Reviewed by Date 12-1-89
Larry Mosiman

Reference or Case Number

ORIGINAL ORIGINAL

#407

DIGEST SHEET

TITLE OF ORDINANCE Zoning Ordinance Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - C&ED

SYNOPSIS OF ORDINANCE 1514 Cass Street

Z-85-11-21

EFFECT OF PASSAGE Property is presently zoned R-3 - Multi-Family Residential. Property will become M-1 - Light Industrial District.

EFFECT OF NON-PASSAGE Property will remain R-3 - Multi-Family Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings)

(ASSIGN TO COMMITTEE (J.N.)

BILL NO. Z-89-11-21

REPORT OF THE COMMITTEE ON REGULATIONS

JANET G. BRADBURY, CHAIRPERSON
DAVID C. LONG, VICE CHAIRMAN
EDMONDS, SCHMIDT, TALARICO

WE, YOUR COMMITTEE ON Regulations TO WHOM WAS REFERRED AN (ORDINANCE) ~~(RESOLUTION)~~ amending the City of Fort Wayne Zoning Map No. L-10

HAVE HAD SAID (ORDINANCE) ~~(RESOLUTION)~~ UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE) ~~(RESOLUTION)~~

DO PASS	DO NOT PASS	ABSTAIN	NO REC
	Janet G. Bradbury		
	D Schmidt		
	Clifton R Edmonds		

DATED: 12-12-89.

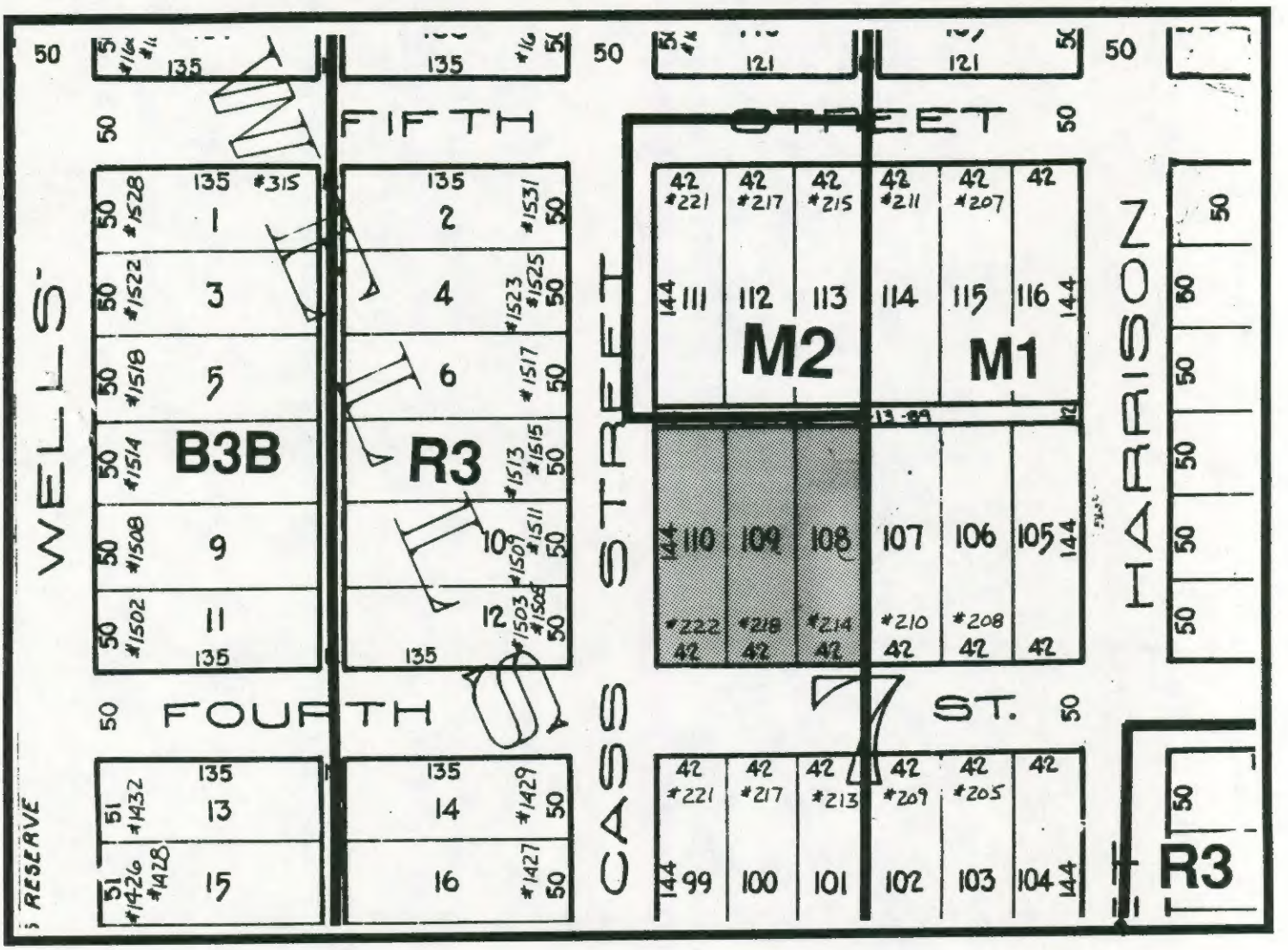
Sandra E. Kennedy
City Clerk

REZONING PETITION

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM A **R3** DISTRICT TO A **M1** DISTRICT.

MAP NO. **L-10**

COUNCILMANIC DISTRICT NO. **3**



ZONING:

R3 RESIDENTIAL DISTRICT

B3B GENERAL BUSINESS "B"

M1 LIGHT INDUSTRY

M2 GENERAL INDUSTRY

LAND USE:

☐ *SINGLE FAMILY*

☐ *COMMERCIAL*

☐ *DUPLEX*

SCALE: 1"=100'

DATE: 11-3-89